



May 27, 2009

Joyce Fry  
Water Quality Certification Section  
200 Fair Oaks Lane  
Fourth Floor  
Frankfort, KY 40601

**RE: WINCHESTER MUNICIPAL UTILITIES LOWER HOWARDS CREEK SANITARY SEWER  
IMPROVEMENTS PROJECT – VAUGHT ROAD OUTFALL**

Dear Ms. Fry,

Enclosed, please find an application for permit to construct across or along a stream. This permit application is for the Winchester Municipal Utilities Lower Howards Creek Sanitary Sewer Improvements Project – Vaught Road Outfall. This submittal contains the following:

- Application for Permit;
- Copy of Affidavit of Publication;
- Aerial Map of the Project Area with Sewer Alignment;
- Map of Stream Delineation;
- Project Area Quadrangles (2); and
- Construction Drawings (One Set).

The Vaught Road Outfall has been designed and submitted to Kentucky Division of Water (KDOW) and U.S. Army Corps of Engineers (USACE) for all necessary permitting in conjunction with the Lower Howards Creek Sanitary Sewer Improvements Project - Hampton Manor Outfall. USACE requires both the Hampton and Vaught projects to be submitted as a single permit application for the 404 Nationwide 12 Permit. In order to maintain eligibility for stimulus funding on the Vaught Road Outfall, Winchester Municipal Utilities (WMU) intends to have both projects ready for advertisement prior

to November 10, 2010, bid opening on December 15, 2009, and commence construction prior to February 16, 2010.

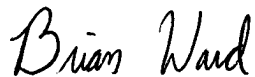
This project will eliminate two re-occurring sanitary sewer overflows (SSOs) in the Lower Howards Creek watershed; this action was ordered by the Environmental and Public Protection Cabinet in WMU's consent decree (Civil Action No. 06-1-2KSF, April 10, 2007) and outlined in WMU's Sanitary Sewer Overflow Elimination Plan (SSOP, October 2007). Plans for elimination of SSOs in Lower Howards Creek will be further described in the WMU Facilities Plan (projected submittal to KDOW, July 2009).

Permit applications have been submitted concurrently with this application for:

- KDOW Construction Permit for Sewer Line Extension;
- KDOW Permit to Construction Along and/or Across a Stream;
- KDOW KPDES NOI; and
- US Army Corps of Engineers Section 404 Nationwide Permit 12.

If you have any questions or comments concerning the application, please feel free to call me at (859) 744-1218.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Ward". The signature is written in a cursive, slightly slanted style.

Brian Ward, P.E.  
Project Manager

Cc: Vernon Azevedo (WMU)  
Job # 10390.00

**COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER**

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

Revised 01-04

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: \_\_\_\_\_
11. ESTIMATED BEGIN CONSTRUCTION DATE: FEBRUARY 16, 2010
12. ESTIMATED END CONSTRUCTION DATE: OCTOBER 16, 2010
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☒ No If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- ☒ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)  
☐ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ☐ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

\_\_\_\_\_  
Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:  
HON. ED BURTNER, MAYOR OF WINCHESTER

\_\_\_\_\_  
Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: ONE SET OF CONSTRUCTION DRAWINGS (FULL SIZE)  
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.  
ONE AERIAL MAP OF PROJECT AREA WITH SEWER ALIGNMENT  
COPY OF AFFIDAVIT OF PUBLICATION  
MAP OF STREAM DELINEATION  
PROJECT AREA QUADRANGLES (2)

17. I, \_\_\_\_\_ (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood). <sup>17.</sup> SEE ATTACHMENT

18. REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: Vernon Azueta  
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: MAY 27, 2009

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

Gary Spence  
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: 5/27/09

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section  
Division of Water  
14 Reilly Road  
Frankfort, KY 40601

**Kentucky Pollutant Discharge Elimination System (KPDES)  
Instructions  
Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity  
To Be Covered Under The KPDES General Permit**

**WHO MUST FILE A NOTICE OF INTENT (NOI) FORM**

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410.

**WHERE TO FILE NOI FORM**

NOIs must be sent to the following address:

Section Supervisor  
Inventory & Data Management Section  
KPDES Branch, Division of Water  
Frankfort Office Park  
14 Reilly Road  
Frankfort, KY 40601

**COMPLETING THE FORM**

Type or print legibly in the appropriate areas only. If you have any questions regarding the completion of this form call the Storm Water Contact, Industrial Section, at (502) 564-3410.

**SECTION I - FACILITY OPERATOR INFORMATION**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal                      M = Public (other than federal or state)  
S = State                        P = Private

**SECTION II - FACILITY/SITE LOCATION INFORMATION**

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

**SECTION III - SITE ACTIVITY INFORMATION**

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges. If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

**SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY**

Construction activities must complete Section IV in addition of Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

**SECTION V - CERTIFICATION**

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or *For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

**4. DESCRIPTION OF CONSTRUCTION:** The project involves the construction of 2,000 feet of gravity sewer and 17 manholes that will replace current failing infrastructure consisting of gravity sewer that permits three re-occurring sanitary sewer overflows (SSOs) in Lower Howards Creek. The three SSOs result from undersized pipes, leaking pipes, leaking manholes, and excessive infiltration and inflow. The elimination of the two SSOs has been ordered by federal mandate in WMU's consent decree from the Environmental and Public Protection Cabinet (Civil Action No. 06-102-KSF – April 10, 2007). All sewer line will be placed using open trenching or jack and bore construction methods. Proposed sewer line will replace and/or parallel current sewer infrastructure through the project corridor. Existing sewer lines and manholes will either be removed or abandoned in place according to details on Sheets 5 and 6. The proposed sewer will cross Lower Howards Creek three times and an unnamed tributary of Lower Howards creek two times.

**MEASUREMENTS OF IMPACTS AT STREAM CROSSING AND IN FLOOD PLAIN**

<b><u>VAUGHT ROAD OUTFALL</u></b>			
<b>CROSSING</b>	<b>LENGTH OF STREAM</b>	<b>WIDTH OF STREAM AT</b>	<b>AREA OF IMPACT IN</b>
<b><u>NUMBER</u></b>	<b><u>CROSSING</u></b>	<b><u>CROSSING</u></b>	<b><u>STREAM</u></b>
	<b><u>(FEET)</u></b>	<b><u>(FEET)</u></b>	<b><u>(SQUARE FEET)</u></b>
8	5.30	13.84	70.17
9	9.85	4.82	48.52
10	5.18	2.81	14.69
11	25.72	8.62	193.11
12	5.88	7.52	38.51
<b>Total</b>	<b>51.93</b>	<b>37.61</b>	<b>365.00</b>
			365 = 0.0084 ACRES

(SEE EXHIBIT FOR CROSSINGS)

	<b><u>PROJECT</u></b>	<b><u>WITHIN THE 100-</u></b>
	<b><u>TOTALS</u></b>	<b><u>YEAR FLOOD ELEVATION</u></b>
<b>LENGTH OF PIPE (FT)</b>	2000	1560
<b>NUMBER OF MANHOLES</b>	17	15

All proposed manholes with rim elevations less than one foot above the 25-year flood elevation in the project will be specified to be water tight: model MC-350 manufactured by JR Hoe or an approved equal. Stream crossings will be constructed according to the Stream Crossing Detail on Sheet 5 of the Construction Drawings. The proposed pipes will be placed a minimum of two feet below the bottom of the stream and capped with concrete. Earth fill will be placed on top of the cap to return the trench back to the elevation of the bottom of the stream. If the pipe trench requires bedrock excavation, the rock will be hoe rammed out of the trench, the pipe will be placed and capped with concrete, and the trench will be grouted to prevent any water loss due to French draining effects of cracked bed rock.

Pipe sizes will range from 8 inch to 15 inch and manhole size will be 4, 5, or 6 feet in diameter. Total area of disturbance is 1.3 acres.

**17.** Winchester Municipal Utilities (WMU) is in the process of acquiring all necessary easements. Owner (WMU) will have all easements before construction commences.

### **Public Notice**

Notice is hereby given that Winchester Municipal Utilities has filed an application with the Kentucky Energy and Environment Cabinet for the Lower Howards Creek Sanitary Sewer Improvements Project-Vaught Road Outfall. This project is expected to impact a total of approximately 52 linear feet and an approximate width of 38 linear feet (.0084 acres) of perennial stream. The project consists of replacing existing and/or adding sewer line and manholes to this area. Materials will be stored above stream floodplain and replaced after placement of pipeline. This project is located along Vaught Road, Hubbard Road, Spencer Lane and KY 627 in Winchester, Clark County, Kentucky 40391. Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 200 Fair Oaks Lane, Fourth Floor, Frankfort, Kentucky 40601. Phone: (502) 564-3410.





VAUGHT ROAD OUTFALL			
CROSSING NUMBER	LENGTH OF STREAM CROSSING (FEET)	WIDTH OF STREAM AT CROSSING (FEET)	AREA OF IMPACT IN STREAM (SQUARE FEET)
8	5.30	13.84	70.17
9	9.85	4.52	48.52
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12	5.88	7.52	38.51
Total	51.93	37.61	355.00

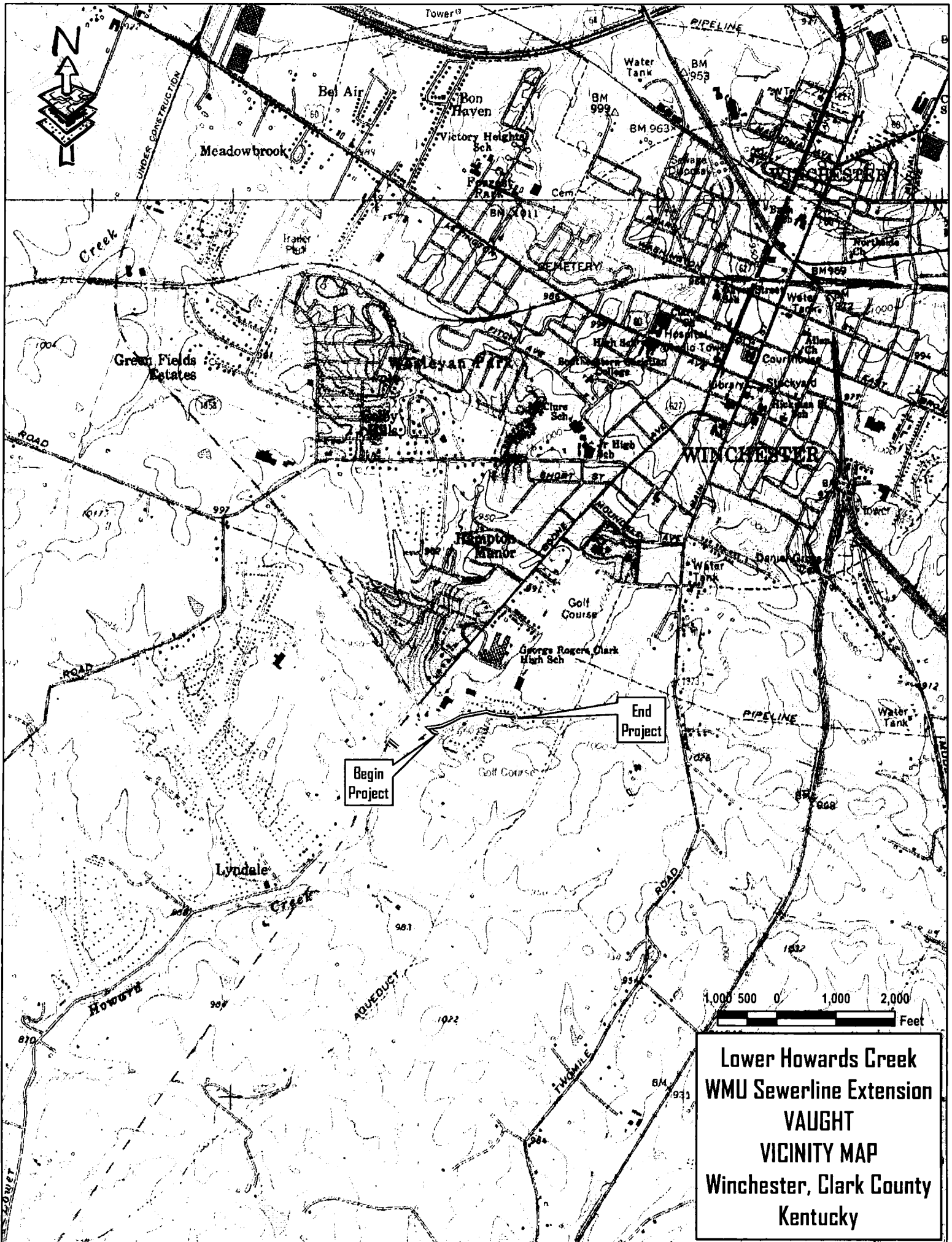
365 = 0.0084 ACRES

**Legend**

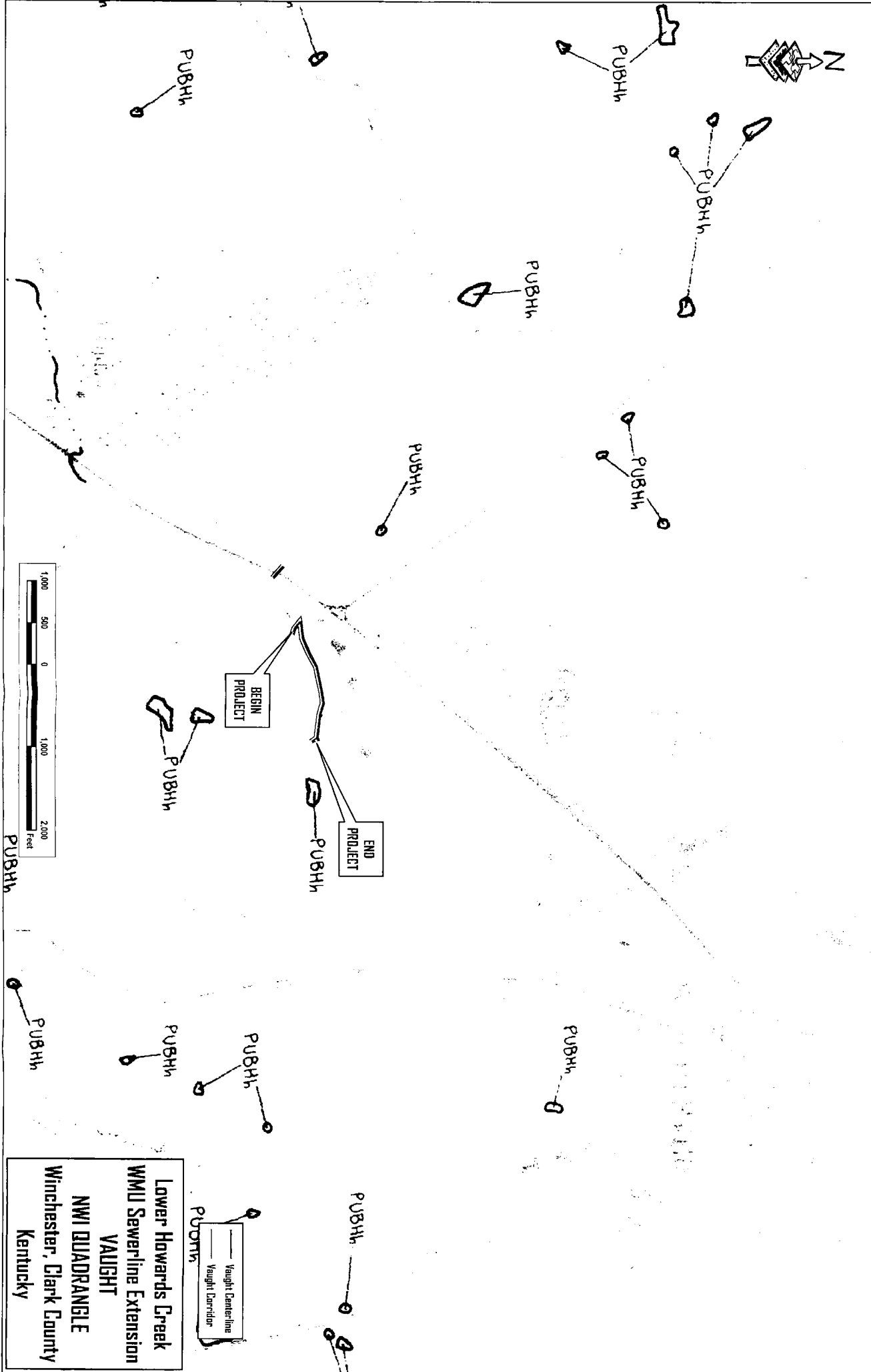
- Spring
- △ Stream Crossing
- Wetland Sample Point
- Swale
- Wetland
- Main Channel
- Unnamed Tributary
- SDP Stationing Ticks
- Proposed Sewerline
- SDP Corridor



**Lower Howards Creek  
WWU Sewerline Extension  
VAUGHT  
DELINEATION MAP  
Winchester, Clark County  
Kentucky**



Lower Howards Creek  
 WMU Sewerline Extension  
 VAUGHT  
 VICINITY MAP  
 Winchester, Clark County  
 Kentucky





May 27, 2009

Joyce Fry  
Water Quality Certification Section  
200 Fair Oaks Lane  
Fourth Floor  
Frankfort, KY 40601

**RE: WINCHESTER MUNICIPAL UTILITIES LOWER HOWARDS CREEK SANITARY SEWER  
IMPROVEMENTS PROJECT – VAUGHT ROAD OUTFALL**

Dear Ms. Fry,

Enclosed, please find the Kentucky Division of Water Permit package for the Lower Howards Creek Sanitary Sewer Improvements Project – Vaught Road Outfall. Please assign one project activity identification number for all permit applications in this submittal and distribute permit applications to their respective departments for review. The permit package includes:

- Construction Permit Application for Sewer Line Extension: Attention Mr. Herald Sparks;
- Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification: Attention Mr. Ron Dutta;
- Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification: Attention Ms. Joyce Fry; and
- KPDES NOI: Attention Section Supervisor – Inventory and Data Management.

The Vaught Road Outfall has been designed and submitted to Kentucky Division of Water (KDOW) and U.S. Army Corps of Engineers (USACE) for all necessary permitting in conjunction with the Lower Howards Creek Sanitary Sewer Improvements Project - Hampton Manor Outfall. USACE requires both the Hampton and Vaught projects to be submitted as a single permit application for the 404 Nationwide 12 Permit. In order to maintain eligibility for stimulus funding on the Vaught Road Outfall, Winchester Municipal Utilities (WMU) intends to have both projects ready for advertisement prior

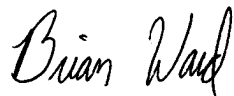
to November 10, 2010, bid opening on December 15, 2009, and commence construction prior to February 16, 2010.

This project will eliminate two re-occurring sanitary sewer overflows (SSOs) in the Lower Howards Creek watershed; this action was ordered by the Environmental and Public Protection Cabinet in WMU's consent decree (Civil Action No. 06-1-2KSF, April 10, 2007) and outlined in WMU's Sanitary Sewer Overflow Elimination Plan (SSOP, October 2007). Plans for elimination of SSOs in Lower Howards Creek will be further described in the WMU Facilities Plan (projected submittal to KDOW, July 2009).

A permit application for the USACE Section 404 Nationwide Permit 12 has been submitted concurrently with this application.

If you have any questions or comments, please feel free to contact Lee Carolan or me at (859) 744-1218.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Ward". The signature is written in a cursive, flowing style.

Brian Ward, P.E.  
Project Manager

Cc: Vernon Azevedo  
Job # 10390.00